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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/5/2022

December 5, 2022

Via ECF

The Honorable Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: 4 Wallebitda v. Shendell, 22-cv-7465 (SDNY) (VEC)

Dear Judge Caproni:

I represent the Defendants in the above referenced matter. I am writing further to Plaintiffs' counsel's letter regarding the Parties' availability to schedule the in-person Initial Conference in this matter. Regrettably, counsel did not share her letter with me before submitting it to the Court.

To clarify:

- Both Parties are available all day on Friday, December 16, 2022.
- Both Parties are also available at 2pm or later on Thursday, December 15, 2022 (the undersigned has a hearing before Judge Preska at 10:30 on December 15).
- Defendants' counsel is not available on December 6, 2022 (in *either* the afternoon or the morning).

Thank you for your consideration.

Very truly yours,
ROTHWELL, FIGG, ERNST & MANBECK


Jeffrey A. Lindenbaum

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CC: Counsel of Record (via ECF)

The initial pretrial conference will be held in person on **Friday, December 16, 2022 at 10:00 a.m.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007.

SO ORDERED.



Date: 12/5/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE